

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re

BIG APPLE VOLKSWAGEN, LLC,

Debtor.

ALAN NISSELSON, Chapter 7 Trustee of  
BIG APPLE VOLKSWAGEN, LLC,

Plaintiff,

-against-

RATIBA SALIM and WAHID SALEEM,

Defendants.

Chapter 7

Case No. 11-11388 (RG)

Adv. Proc. No. 11-2251 (RG)

**ORDER GRANTING TRUSTEE’S MOTION PURSUANT TO BANKRUPTCY RULE  
7056 AND FEDERAL RULE OF CIVIL PROCEDURE 56 FOR PARTIAL SUMMARY  
JUDGMENT ON HIS CLAIMS FOR RELIEF FOR AVOIDANCE AND RECOVERY OF  
PREFERENTIAL AND SUBSEQUENT TRANSFERS AS SET FORTH IN THE  
COMPLAINT AGAINST RATIBA SALIM AND WAHEED SALEEM**

Upon the motion dated January 27, 2014 of Alan Nisselson (the “Trustee”), trustee for the Chapter 7 estate of Big Apple Volkswagen, LLC (the “Debtor”) and plaintiff in the above-captioned proceeding (“Adversary Proceeding”), seeking partial summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, made applicable by Rule 7056 of the Federal Rules of Bankruptcy Procedure, on (1) the Trustee’s first claim for relief in the complaint dated June 14, 2011 that commenced this Adversary Proceeding (the “Complaint”) for avoidance and recovery of preferential transfers of Debtor funds totaling \$705,000.00 to defendant Ratiba Salim (the “Transfers”), or the value thereof, and (2) the Trustee’s eighth claim for relief in the Complaint for recovery of a subsequent transfer (the “Subsequent Transfer”) by Defendant Ratiba Salim to Defendant Wahid Saleem (together with Defendant Ratiba Salim, the

“Defendants”) of her primary residence, 8529 65<sup>th</sup> Road, Rego Park, New York 11374, which was freed from a mortgage through the use of Debtor funds, or the value thereof, and (3) granting such other and further relief as this Court deems just and proper (the “Partial Summary Judgment Motion”); and due notice of the Partial Summary Judgment Motion having been given to Defendants, and it appearing that no other or further notice is necessary or required; and Defendants having failed to file any opposition to the Partial Summary Judgment Motion; and the Court having heard argument on the Partial Summary Judgment Motion on March 11, 2014; and the Court having considered the pleadings in the Adversary Proceeding, the *Local Bankruptcy Rule 7056-1 Statement of Material and Undisputed Facts in Support of Plaintiff’s Motion for Partial Summary Judgment*, the *Affidavit of Alan Nisselson in Support of Plaintiff’s Motion for Partial Summary Judgment*, and the *Memorandum of Law in Support of Plaintiff’s Motion for Partial Summary Judgment*; and the Court having issued and “So Ordered” a Memorandum Decision dated March 12, 2014 granting the Partial Summary Judgment Motion on the first and eighth claims for relief asserted in the Complaint (the “Decision”), and for the reasons set forth in the Decision;

**NOW, THEREFORE**, it is hereby

**ORDERED**, that the Partial Summary Judgment Motion against Defendant Ratiba Salim and Defendant Wahid Salim on the first and eighth claims for relief set forth in the Complaint is granted; and it is further

**ORDERED**, that the Transfers are avoided pursuant to 11 U.S.C. § 547; and it is further

**ORDERED**, that pursuant to 11 U.S.C. § 550, recovery of the Transfers and Subsequent Transfer, or the value thereof, against Defendant Ratiba Salim and Defendant Wahid Saleem is awarded to the Trustee; and it is further

**ORDERED**, that this Adversary Proceeding shall remain open pending disposition of the other counts of the Complaint not covered by the Partial Summary Judgment Motion.

Dated: New York, New York  
March 20, 2014

*s/Robert E. Grossman*  
Honorable Robert E. Grossman  
United States Bankruptcy Judge